

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

GARY A. SCHLAKE

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-CV-628-DPJ-FKB

DAVID PAUL, WARDEN

DEFENDANT

ORDER

This habeas corpus petition under 28 U.S.C. § 2241 is before the Court on the Report and Recommendation [37] of United States Magistrate Judge F. Keith Ball. Judge Ball recommended the petition be dismissed with prejudice because Petitioner Gary A. Schlake's challenges to the validity of sentencing enhancements are not cognizable under § 2241 and his contention that he was sentenced under the wrong version of the United States Sentencing Guidelines is not factually supported. Schlake did not timely file objections to the Report and Recommendation, and the Court agrees with Judge Ball's conclusions. The Court therefore adopts the Report and Recommendation [37] as its opinion; the Petition [1] is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 8th day of December, 2021.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE